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07/846,897 03/03/92 FULLERTON

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EXAMINER

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ART UNIT PAPER NUMBER

2202

7

DATE MAILED: 09/18/92

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on 30 JUN 1992  This action is made final.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice re Patent Drawing, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, Form PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

Part II SUMMARY OF ACTION

1.  Claims 1-38

are pending in the application.

Of the above, claims 1-11 + 21-38 are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 12-20 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on 30 JUN 1992. Under 37 C.F.R. 1.84 these drawings are  acceptable.  not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on 30 JUN 1992 has (have) been  approved by the examiner.  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed on 30 JUN 1992, has been  approved.  disapproved (see explanation).

12.  Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

EXAMINER'S ACTION

Please note in Amendment A of 30 June 1992, the change to be made on line 1 of page 12 of the Specification could NOT be made since there was no clear insertion point. Applicant must resubmit this change with a clear insertion point in the response to this Office Action.

Applicant's election of Group III (i.e., claims 12-20) in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP 818.03(a)).

Please note that Applicant's Amendment of 30 June 1992 is NOT a preliminary amendment since it was mailed after the restriction of the originally-filed claims. Since newly-added claims 23-38 fall outside of elected Group III (claims 12-20), claims 23-38 are non-elected claims, and have not been further treated on the merits. In addition, it is noted that there is no argument submitted with Amendment A as to which group claims 23-38 belong in. Thus, claims 23-38 are likewise non-elected without traverse.

Claims 12-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 18 of independent claim 12, it is unclear what is meant by "signals derived from transmitted burst signals". And, on lines 8-9 of independent claim 15, it is unclear what is meant by "signals derived from transmitted said burst signals". In the disclosed

invention, these "signals" (both claims 12 and 15) would be received signals, but, in claims 12 and 15, the "receiving means" is not claimed as receiving signals. Further, in claim 12, in that the "transmitted burst signals" are not "said transmitted burst signals", they can not be from the earlier-named "transmitting means"; however, there is no other disclosed source for these "signals". Line 18 of claim 12 must be amended to be clear on these points. Lines 8-9 of claim 15 must be amended to be clear on these points. On line 9 of claim 15, "transmitted said burst signals" lacks clear antecedent basis; it would appear that it ought to read "said transmitted burst signals". On lines 8-10 of claim 15, it is unclear what is meant by the "receiving means" being "responsive ... to times of initiation ...". On lines 8-8-10 of claim 15, it is unclear if "receiving means" is modified by the prepositional phrase "for coherently detecting ..." or not due to the separation of the two. On lines 3-4 of claim 12, Applicant mentions "stepped amplitude signals", while, on line 4 of claim 15, Applicant mentions "stepped, amplitude signals". It is unclear what is meant by the comma or by the lack of a comma when looking at these two together. Dependent claims 13-14 and 16-20 are unclear in that they depend from unclear independent claims 12 and 15.

Claims 12 and 15 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

Claims 13-14 and 16-20 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112 and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cook is of interest as showing a system (Figure 1 on page 230) which is similar to Applicant's invention; however, Cook does not have Applicant's claimed "generating means" for generating stepped amplitude signals inter alia. Ross et al ('392) and Robbins ('316) are both of interest in showing base-band system similar to Applicant's invention; however, neither Ross et al ('392) nor Robbins ('316) shows Applicant's claimed "generating means" for generating stepped amplitude signals inter alia. Wheeler ('951) is of interest for showing a wide-band system similar to Applicant's invention; however, Wheeler ('951) does not show Applicant's claimed "generating means" for generating stepped amplitude signals inter alia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Bernarr Gregory whose telephone number is (703)-308-0479. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-0766.

*Bernarr E. Gregory*  
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EXAMINER  
ART UNIT 222-2202